

Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 151WOa-1	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2003/013035	International filing date (day/month/year) 10 October 2003 (10.10.2003)	Priority date (day/month/year) 15 October 2002 (15.10.2002)	
International Patent Classification (IPC) or national classification and IPC A61B 5/044, G01R 13/00			
Applicant DAINIPPON PHARMACEUTICAL CO., LTD.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand 08 January 2004 (08.01.2004)	Date of completion of this report 17 May 2004 (17.05.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/013035

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:

☐ international search (under Rules 12.3 and 23.1(b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ The international application as originally filed/furnished

☐ the description:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

pages _____, as originally filed/furnished

pages* _____, as amended (together with any statement) under Article 19

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the drawings:

pages _____, as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP03/13035

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 23, 28, 30

because:

☒ the said international application, or the said claim No. 23
relates to the following subject matter which does not require an international preliminary examination (*specify*):

It is equivalent to a mere presentation of information.

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 23, 28, 30

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ see Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP03/13035

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-6, 20, 27	YES
	Claims	1, 2, 7-19, 21, 22, 24-26, 29	NO
Inventive step (IS)	Claim	6	YES
	Claims	1-5, 7-22, 24-27, 29	NO
Industrial applicability (IA)	Claims	1-22, 24-27, 29	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 5-154118, A (SHARP CORPORATION), June 22, 1993 (06.22. 93), Full text, all drawings (Family: none)

Document 2: JP, 61-41437, A (OMRON TATEISI ELECTRONICS CO.), February 27, 1986 (02.27. 86), Full text, all drawings (Family: none)

Claims 1-5, 7-19, 21, 22, 24-27, 29

Document 1 describes a portable electrocardiograph and control method therefor, wherein the method calculates the heartbeat after detection of the R wave center point of the event waveform that is electrocardiogram data, decides whether or not the event waveform deviates from the predetermined waveform display region, and the amplitude and baseline of the event waveform to be displayed when deviation is decided to have occurred are corrected so that the displayed waveform is accommodated in the waveform display region and then the waveform is displayed; this correction is performed by CPU control that calculates the wave height value Vp-p of the event waveform from one screen's worth of electrocardiograph data and decides whether or not the wave height value Vp-p is smaller than the height H of the event waveform display region, and if $Vp-p \leq H$ it leaves it as is, and if $Vp-p > H$ the wave height value of one screen's worth of electrocardiograph data is reduced to 1/2, and then the baseline is shifted so that the center level of the wave height value Vp-p corresponds to the center value of the event waveform display region.

The inventions of claims 1, 2, 7-19, 21, 22, 24-26, and 29 form part of the portable electrocardiograph and control method therefore described in document 1; therefore, they do not appear to be novel and involve an inventive step.

Also, constituting a device with a computer and performing predetermined data processing using a plurality of storage regions when performing data processing is well-known and commonly practiced art; therefore, the inventions of claims 3-5 and 27 could be easily conceived by a person skilled in the art based on document 1.

Claim 6

Not correcting the graph display position of data in the output region when no determination is made of target cycle is not described in document 1 or 2; nor is this obvious to a person skilled in the art.

Claim 20

Document 2 describes displaying a mark on a QRS top location of an electrocardiograph waveform; therefore, employing this mark display technique in what is described in document 1 could be easily conceived by a person skilled in the art.